

AMENDED IN SENATE MAY 1, 2006
AMENDED IN SENATE MARCH 21, 2006

SENATE BILL

No. 1311

Introduced by Senator Soto

February 16, 2006

An act to add Section 1726 to the Civil Code, relating to liability waivers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1311, as amended, Soto. Liability waivers.

Existing law provides that everyone is responsible for the result of willful acts and for injury to another occasioned by his or her want of ordinary care or skill in the management of his or her person or property, as specified.

This bill would require any settlement, compromise, covenant, release, waiver of liability, or similar agreement, to be *both written in English and* written and orally transmitted in ~~both English and the native language of the person entering into the agreement~~ *a language in which the person entering into the agreement is proficient*, prior to execution, if that person is not represented by counsel *and does not proficiently speak or understand the English language*. The bill would provide for that agreement to be rescinded upon the failure to comply with this requirement.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1726 is added to the Civil Code, to
2 read:
3 1726. (a) If a person who is ~~entering any~~ *does not*
4 *proficiently speak or understand the English language is not*
5 *represented by counsel and is entering a settlement, compromise,*
6 *covenant, release, waiver of liability, or similar agreement, is not*
7 ~~represented by counsel~~, that agreement, prior to execution, shall
8 ~~be written and orally transmitted in both English and the native~~
9 ~~language of the person entering into the agreement.~~ *both of the*
10 *following:*
11 (1) *Written in English.*
12 (2) *Written and orally transmitted in a language in which the*
13 *person entering into the agreement is proficient.*
14 (b) Upon a failure to comply with subdivision (a), the
15 aggrieved person may rescind the settlement, compromise,
16 covenant, release, waiver of liability, or similar agreement.